

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-3, 5-6, 8-16, 19-31, 33-40, and 42-43 remain pending in the present application. No new matter is added.¹

By way of summary, the Office Action presented the following issues: Claims 1-3, 5-6, 8-16, 19-31, 33-40, and 42 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; Claims 1-3, 5-6, 8-16, 19-31, 33-40, and 42 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 1-2, 8-16, 19-27, and 42 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,549,756 to Engstrom (hereinafter "Engstrom") in view of U.S. Patent Application Publ'n No. 2003/0208113 to Mault et al. (hereinafter "Mault") and U.S. Patent No. 4,332,258 to Arai et al. (hereinafter "Arai"); and Claims 3, 5-6, 28-31, and 33-40 were rejected under 35 U.S.C. § 103(a) as obvious over Engstrom in view of Mault, Arai, and U.S. Patent No. 5,990,866 to Yollin (hereinafter "Yollin").

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants and Applicants' representative wish to thank Supervisory Examiner Johnson and Examiner Rajan for the courtesy of the personal interview granted on July 27, 2010. During the interview, amendments clarifying the claims over the applied references were discussed. Claim amendments and comments similar to those presented during the interview are included herein.

¹ The amendments to independent Claims 1, 20, and 26 find support at least in Figures 10A and 10B and in their accompanying text in the specification.

ABSTRACT

Applicants have deleted the Abstract and submit herewith a new Abstract. No new matter is added.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-3, 5-6, 8-16, 19-31, 33-40, and 42 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Regarding the Office Action's assertion that, "in the specification the mobile telephone and 'remote controller' embodiments are separate,"² Applicants direct attention to the paragraph bridging pages 23 and 24.

Further, it is believed to be beside the point whether "there is no disclosure of using a portable device [that] performs a mobile telephone communication controlling electronic equipment"³ Nevertheless, Applicants have amended independent Claims 1, 20, and 26 to remove references to electronic equipment.

Further, although it is believed that the claims were sufficiently compliant with the written description requirement, Applicants have amended the claims to address the matter raised in the paragraph bridging pages 4 and 5 of the Office Action.

Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-3, 5-6, 8-16, 19-31, 33-40, and 42 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Although it is believed that those claims were sufficiently

² Office Action at 4.

³ Id.

definite as written, Applicants have amended independent Claims 1, 20, and 26 to address cosmetic matters of form and to thereby clarify the recited subject matter.

Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 8-16, 19-27, and 42 were rejected under 35 U.S.C. § 103(a) as obvious over Engstrom in view of Mault and Arai. In light of the several grounds of rejection on the merits, independent Claims 1, 20, and 26 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 is directed to an input device including, in part,

a body . . . ; and

bioindex detecting means for detecting a pulse wave, the bioindex detecting means located at a rear facing portion opposite to a front facing portion of a casing of the body, the front facing portion including a display screen,

the rear facing portion including

a finger holding cover . . . , and

a finger tip insertion portion formed between the finger holding cover and the rear facing portion, the bioindex detecting means located within the finger tip insertion portion.

Applicants respectfully submit that Engstrom, Mault, and Arai fail to disclose or suggest those features.

Engstrom concerns a wireless mobile phone including a display screen 108 and equipped with a number of sensors 114aa-114ae and 114ba-114be.⁴ Mault concerns a

⁴ Engstrom, col. 2, ll. 61-67.

portable computing device having a display.⁵ The Office Action acknowledged, “Engstrom and Mault et al. fail to disclose a pulse wave sensor with a finger holding cover disposed on the rear facing portion of the personal digital assistant.”⁶ Applicants submit that Engstrom and Mault fail to disclose or suggest “bioindex detecting means for detecting a pulse wave, the bioindex detecting means located at a rear facing portion opposite to a front facing portion of a casing of the body, the front facing portion including a display screen, the rear facing portion including a finger holding cover . . . , and a finger tip insertion portion formed between the finger holding cover and the rear facing portion, the bioindex detecting means located within the finger tip insertion portion,” as recited in Claim 1.

Nevertheless, the Office asserted, “the placement of the pulse wave sensor with [the] cover is considered a design choice.”⁷ During the interview, it was discussed how the feature of “the bioindex detecting means located at a rear facing portion opposite to a front facing portion . . . including a display screen,” is not merely a design choice.

Arai concerns a pulse meter in which, “To bind [a] finger tip . . . , a band 6 is provided to bind the finger tip, with a cover 5 laid over the finger tip”⁸ Arai is silent regarding a display screen.

Arai does not disclose or suggest the feature of “the bioindex detecting means located at a rear facing portion opposite to a front facing portion . . . including a display screen,” as recited in Claim 1.

Thus, Engstrom, Mault, and Arai, taken alone or in combination, fail to disclose or suggest the feature of “the bioindex detecting means located at a rear facing portion opposite to a front facing portion . . . including a display screen,” as recited in amended Claim 1.

⁵ Mault, para. [0079].

⁶ Office Action at 7.

⁷ Id.

⁸ Arai, col. 2, ll. 51-53.

Further, it is submitted that Engstrom, Mault, and Arai do not disclose or suggest that feature in combination with the additional feature of “the bioindex detecting means located within the finger tip insertion portion,” as recited in amended Claim 1.

For at least the foregoing reasons, it is submitted that Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Engstrom, Mault, and Arai.

For at least analogous reasons, it is submitted that independent Claims 20 and 26 (and all associated dependent claims) patentably distinguish over any proper combination of Engstrom, Mault, and Arai.

Further, it is respectfully submitted that Yollin fails to remedy the above-noted deficiencies in Engstrom, Mault, and Arai. Accordingly, it is submitted that the rejection of dependent Claims 3, 5-6, 28-31, and 33-40 is moot.

NEW CLAIM

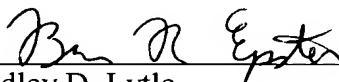
Applicants have added new Claim 43 to set forth subject matter previously recited in Claim 1 in a varying scope. It is therefore submitted that Claim 43 finds support at least in Claim 1. No new matter is added. It is respectfully submitted that new Claim 43 is allowable by virtue of its dependency and for the more detailed features presented by the new claim.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied references. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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